

N.D.A.G. Letter to Meier (May 12, 1988)

May 12, 1988

Honorable Ben Meier
Secretary of State
State Capitol
Bismarck ND 58505

Dear Secretary of State Meier:

Thank you for your letter of April 22, 1988, inquiring as to multiple ownership of a trade name. Following receipt of additional information, we have learned your question concerns the ability of two entities to jointly and simultaneously register a single trade name.

N.D.C.C. § 47-25-01 states that every name under which "any person" performs or transacts any business other than the true name of "such person" is declared to be trade name if it is registered with the Secretary of State. N.D.C.C. § 47-25-02 provides that "any person" performing business in the state under a trade name may register that name with the Secretary of State.

The word "person" appears frequently in both the statutes cited above. There is no definition of this term within N.D.C.C. ch. 47-25. However, N.D.C.C. § 1-01-28 defines the "person" to mean not only a human being, but also a body politic or a corporate. Additionally, N.D.C.C. § 1-01-35 states that words used in the singular number include the plural.

Thus, in applying these various definitions and rules of statutory construction to N.D.C.C. §§ 47-25-01 and 47-25-02, it appears that multiple persons, including corporate entities, could seek the registration of a singular trade name.

I hope this responds to your inquiry.

Sincerely,

Nicholas J. Spaeth

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